

U.S. Pat. App. No.: 10/146,705
Atty. Docket No.: 003797.00250

REMARKS

Applicants respectfully ask for reconsideration of both this application and the Office Action of February 28, 2005.

Claims 1-33 were pending in this application. Applicants have amended claim 26 to independent form, and canceled claims 23. In addition, Applicants have amended claim 1 to further recite the step of graphically rendering one or more objects on a display, and have amended claim 8 to remove the antecedent basis informality noted by the Examiner. Claims 15-25 and 27-33 have then been canceled.

In the Office Action, the Examiner first repeated the restriction requirement set forth in a telephonic interview on February 24, 2005. Applicants respectfully confirm the election of the subject matter of claims 1-14 and 23-26 for prosecution in this application. Accordingly, Applicants have canceled claims 15-22 and 27-33 from this application without prejudice or disclaimer.

Next, the Examiner rejected claims 1-14 and 23-26 under 35 U.S.C. §101 for purportedly being directed to non-statutory subject matter. Applicants respectfully point out that this rejection is moot with respect to claims 23-25, as these claims have been canceled herein. Further, Applicants respectfully traverse this rejection as applied to claims 1-14 and 26, and courteously request its reconsideration.

In making this rejection, the Examiner suggested that the subject matter recited in these claims could be performed using pencil and paper. Applicants courteously traverse this assertion. Claims 1-14, for example, recite a method of selecting an object graphically represented to a user

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that includes receiving input data from a user defining a non-linear selection line having a starting point and an end point. Applicants submit that a paper cannot receive input data as recited in these claims. Nonetheless, in an effort to expedite prosecution of this application, Applicants have amended claims 1-14 and 26 to additionally recite graphically rendering one or more objects on a display. Accordingly, Applicants respectfully ask that the rejection of these claims under 35 U.S.C. §101 be withdrawn.

The Examiner next rejected claim 8 under 35 U.S.C. §112, second paragraph, for a minor antecedent basis informality. Applicants respectfully traverse this rejection, and ask that it be withdrawn. Applicants have amended claim 8 to remove the antecedent basis informality noted by the Examiner.

Claims 1, 5-8, and 23 then were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,592,608 to Weber et al. Applicants courteously point out that this rejection is moot with respect to claim 23, as this claim is canceled herein. Claims 11 and 14 similarly were rejected under 35 U.S.C. §103 over the Weber et al. patent. Applicants respectfully traverse these rejections as applied to claims 1, 5-8, 11 and 14, and ask for their reconsideration.

Claims 1, 5-8, 11 and 14 recite forming a lasso enclosure by receiving input data from a user defining a non-linear selection line having a starting point and an end point, and then forming a connection line connecting the starting point and the end point. As described in detail in the specification, the user need only form a portion of the lasso enclosure by drawing the selection line. The selection tool then automatically completes the enclosure by creating the connection line between the starting point and the end point of the selection line. Thus, the

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method recited in claims 1 and 5-8 forms a lasso enclosure from two separate lines.

This feature simply is not taught or suggested by the Weber et al. patent. In rejecting claims 1 and 5-8, the Examiner referred to Figures 6 and 10 of the Weber et al. patent. Applicants point out that the circular enclosures shown in these images appear to be formed by a single line or "stroke." Accordingly, the Weber et al. patent would not teach or suggest the method of forming a lasso enclosure with from two separate lines as recited in claims 1 and 5-8. Applicants therefore ask that the rejections of claims 1, 5-8 11 and 14 over the Weber et al. patent be withdrawn.

Next, claims 2-4, 12, 13, and 24-26 were rejected under 35 U.S.C. §103 over the Weber et al. patent in view of U.S. Patent No. 5,583,542 to Capps. Applicants courteously point out that this rejection is moot with respect to claims 24 and 25, as these claims are canceled herein. Applicants respectfully traverse this rejection as applied to pending claims 2-4, 12, 13, and 26, and ask for its reconsideration.

With regard to claims 2-4, 12, and 13, Applicants again point out that these claims recite forming a lasso enclosure by receiving input data from a user defining a non-linear selection line having a starting point and an end point, and then forming a connection line connecting the starting point and the end point. As discussed above, the Weber et al. patent does not teach or suggest this feature of the claimed invention. The Capps patent does not remedy this omission of the Weber et al. patent.

Regarding claim 26, Applicants point out that this claim recites different selection criteria for different types of graphical objects. Neither the Weber et al. patent nor the Capps patent teach

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or suggest this feature of the invention. Accordingly, no combination of the Weber et al. and Capps patents would teach or suggest the features of the invention recited in claim 26.

It is thus submitted that no combination of the Weber et al. and Capps patents would teach or suggest the features of the invention recited in claims 2-4, 12, 13, and 26. Applicants therefore ask that the rejection of claims 2-4, 12, 13, and 26 over the Weber et al. and Capps patents be withdrawn.

Lastly, claims 9 and 10 were rejected under 35 U.S.C. §103 over the Weber et al. patent in view of U.S. Patent No. 5,655,136 to Morgan. Applicants respectfully traverse this rejection, and courteously ask for its reconsideration as well. As previously noted, the Weber et al. patent does not teach the features of the invention recited in these claims, and Applicants respectfully submit that the Morgan patent does not remedy the omissions of the Weber et al. patent.

Further, claims 9 and 10 recite "forming ...a second lasso enclosure, deselecting each object selected with the first lasso enclosure, and selecting each object substantially encompassed by the second lasso enclosure." Neither the Weber et al. patent nor the Morgan patent teach or suggest this feature of the invention. With particular regard to the Morgan patent, this patent does teach the formation of a second selection enclosure. According to Morgan patent, however, objects within this second enclosure are deselected rather than selected as recited in claims 9 and 10. Further, there is no suggestion in the Morgan patent that objects selected with the first enclosure are deselected when the second enclosure is formed, as also recited in claims 9 and 10.

Accordingly, no combination of the Weber et al. and Morgan patents would teach or suggest the features of the invention recited in claims 9 and 10. Applicants therefore ask that the

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rejection of claims 9 and 10 be withdrawn.

It is believed that no fees are due for the entry and consideration of this Amendment. If, however, the Commissioner believes that fees are required for the entry and consideration of this Amendment, the Commissioner is hereby authorized to charge such fees, along with any other fees that may be required to maintain the pendency of this application, to Deposit Account No. 19-0733.

In view of the above amendments and remarks, Applicants respectfully submit that all of the claims are allowable, and that this application therefore is in condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

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